

of evaporated apples at St. Louis, Mo., alleging that the article had been shipped on or about February 27, 1936, by K. & H. Evaporating Co., Inc., from Red Creek, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

On May 5, 1936, J. W. Teasdale & Co. having filed an answer admitting the allegations of the libel and having consented to condemnation of the product, judgment was entered ordering that it be released under bond conditioned that the excessive moisture be removed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26074. Misbranding and alleged adulteration of beer. U. S. v. 230 Cases of Red Top Beer. Product adjudged misbranded and released under bond to be relabeled. (F. & D. no. 37663. Sample no. 68326-B.)

This case involved shipment of beer that contained materially less alcohol than indicated on the label.

On March 11, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the State of Kentucky, filed in the district court a libel praying seizure and condemnation of 230 cases of beer at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about March 9, 1936, by Hauck Brewery, Red Top Brewing Co., from Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "Not over 14% Proof Spirits Red Top Beer."

The article was alleged to be misbranded in that the statement on the label in large type, "14%", was false and misleading and tended to deceive and mislead the purchaser since analysis showed that the article contained less than 5 percent of alcohol by weight.

The article was alleged to be adulterated in that a beverage containing less than 14 percent of alcohol had been substituted for the article.

On March 13, 1936, the United Distributors, claimant, having agreed thereto, the court found the article misbranded and ordered its release to claimant under bond conditioned that it be relabeled by removing that part of the label reading: "Not over 14% Proof Spirits."

W. R. GREGG, *Acting Secretary of Agriculture.*

26075. Adulteration of frozen shrimp. U. S. v. 460 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37669. Sample no. 70419-B.)

This case involved shipment of frozen shrimp that consisted of a decomposed animal substance.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by V. Santos, from St. Augustine, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of decomposed animal substance.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26076. Adulteration of frozen shrimp. U. S. v. 165 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37670. Sample no. 70420.)

This case involved a shipment of frozen shrimp that was decomposed.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1 and August 2, 1935, by the Imperial Fish Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.